

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES C. SHERROD,

Plaintiff,

v.

BOOKER T. WASHINGTON CENTER,

Defendant.

Civil Action No. 04-208 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on July 20, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 37], filed on July 24, 2006, recommended that Defendant's motion for summary judgment [Doc. No. 25] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. Objections were filed by Plaintiff on August 10, 2006 [Doc. 39]. The Court has carefully reviewed the motion and all documents in the case, as well as the Report and Recommendation and the Objections thereto. After consideration of the same, as well as the issues addressed at oral argument on Plaintiff's Objections held before this Court on September 19, 2006, the following order is entered:

AND NOW, this 19th day of September, 2006;

IT IS HEREBY ORDERED that the Defendant's motion for summary judgment [Doc. No. 25] is GRANTED.

The Report and Recommendation [Doc. No. 37] of Magistrate Judge Baxter, filed on July 24, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge